

APPENDIX III.

[Vide ANSWER TO UNSTARRED QUESTION No. 18 ON PAGE 132.]

CONCLUSIONS OF THE 20th SESSION OF THE INDIAN LABOUR CONFERENCE.

*Decisions.**Action taken or proposed to be taken.*

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Item 1.—Action taken on the main conclusions of the previous session.

The statement of action taken was noted subject to the following :—

(i) *Provident Fund Schemes.*—It was clarified by the Chairman that the question of enhancement of rates of contribution in respect of industries other than the four mentioned in the Statement, would be gone into by similar technical committees. This would also cover the textiles and cement industries. He further mentioned that the notifications regarding the enhancement of rates of contribution to the Coal Mines Provident Fund would be issued shortly.

No action is required by State Government.

(ii) *Abolition of Contract Labour—*

(a) Several complaints were made that the principles regarding the abolition of contract labour, agreed to at the 19th Session of the Indian Labour Conference, were not being observed. The Conference reiterated that the principles already agreed to at its 19th Session should be strictly adhered to by all the parties. It was also agreed that reports on the progress of abolition of contract labour should be obtained periodically both in respect of the private and the public sector.

Copies of the conclusions Nos. 1, 3 and 4 of the 19th Session of the Indian Labour Conference on the Abolition of Contract Labour System have been communicated to Inspectors of Factories in this State and they have been instructed to advise the managements of factories to implement the recommendations. The Inspectors of Factories have been instructed to send quarterly reports relating to the progress made about abolition of contract labour system in Public and Private Sector undertakings.

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(b) It was urged that legislative action might be necessary. The Chairman stated that a Draft Bill incorporating the principles of the Supreme Court judgment would be drawn up and circulated to all the parties concerned as early as possible.

(c) Some of the workers' representatives pointed out that the information regarding action taken on tripartite conclusions, was in many cases inadequate because many State Governments had not sent their replies. It was urged that the State Governments should be more prompt in furnishing the requisite information.

Item 2 (i).—Review of the working of the Code of Discipline in Industry.

(i) In the course of discussion on the subject there were frequent references to cases of refusal by the employers to (a) recognise unions and (b) agree to refer disputes to arbitration. It was agreed that a full note summarising the points and suggestions made in the conference in this regard should be prepared and circulated to all concerned.

(ii) The Conference also reiterated the position that recognition was one of the basic ingredients of the Code, and failure to accord recognition to unions which satisfied the criteria for such recognition as laid down in the Code, should be considered a serious violation of the Code.

(iii) As regards arbitrations, it was agreed that readiness to refer disputes to arbitration was an important requirement of the Code. Whenever conciliation fails arbitration will be the next normal step, except in cases where the employer feels that for some reasons he would prefer adjudication, such reasons being creation of new rights having wide repercussions or those involving large financial stakes. However, the reasons for refusal to agree to arbitration must be fully explained by the party concerned in each case, and the matter brought up for consideration by the Implementation Machinery concerned.

(iv) To assist employers and trade unions, Central and State Governments would constitute in consultation with the Central Employers and Workers' Organisations, panels of arbitrators and make the list of names available to the parties. Government would also set a ceiling on the fees which could be charged by the arbitrator, per case and per day.

(v) Minor disputes might be referred to a single person for arbitration. In cases which were more complicated, each party would nominate one arbitrator, and the two arbitrators could select an umpire, if necessary. Whenever necessary the services of the Presiding Officers of Industrial Tribunals might be made available for purposes of arbitration.

No action is required by State Government.

There has been no complaint in this regard from Workers' Organisations as far as this STATE is concerned.

No action is required by State Government.

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Necessary instructions have already been issued to the Labour Officers to persuade parties to agree to arbitration wherever settlement is not possible and to indicate the reasons for either party refusing to agree to arbitration.

A copy of the conclusion has also been communicated to Labour Officers for their information.

A panel of arbitrators has already been prepared and published by this Government. The panel is further being brought up to date.

As regards ceiling on the fees to be paid to Arbitrators, the Government have decided that no ceiling need be fixed in view of provision in Madras Industrial disputes rules regarding fixation of fees for arbitrations.

The suggestion has been accepted.

The Labour Courts and Industrial Tribunals have already been included in the panel of Arbitrators.

A copy of this conclusion has been communicated to Central Organisations for their information.

Decisions.

(1)

Action taken or proposed to be taken.

(2)

Item 2 (ii).—Work-stoppages for reasons other than industrial disputes.

There was a brief discussion on the subject. The Chairman expressed the view that labour organisations should discourage such work-stoppages.

No action is required by State Government.

Item 2 (iii).—Rights of recognised unions under the Code of Discipline vis-a-vis unrecognised unions.

1. It was agreed that unions granted recognition under the Code of Discipline should, for the present, enjoy the following rights:—

(i) to raise issues and enter into collective agreements with employers on general questions concerning the terms of employment and conditions of service of workers in an establishment, or, in the case of a Representative Union, in an industry in a local area ;

(ii) to collect membership fees/subscriptions payable by members to the union within the premises of the undertaking ;

(iii) to put up or cause to put up a notice board on the premises of the undertaking in which its members are employed and affix or cause to be affixed thereon notices relating to meetings, statements of accounts of its income and expenditure and other announcements which are not abusive, indecent or inflammatory or subversive of discipline or otherwise contrary to the Code ;

(iv) for the purpose of prevention or settlement of an industrial dispute.

The suggestions have been agreed to.

A copy of the conclusions of the Indian Labour Conference has been communicated to the recognised unions and managements concerned and also to the Central Organisation of employers and Trade Unions (besides the Labour Officers for their information and guidance).

(a) to hold discussions with the employees who are members of the union at a suitable place or places within premises of office/factory/establishment as mutually agreed upon;

(b) to meet and discuss with an employer or any person appointed by him for the purpose, the grievance of its members employed in the undertaking;

(c) to inspect, by prior arrangements, in an undertaking, any place where any member of the union is employed.

(v) to nominate its representatives on the Grievance Committee constituted under the Grievance Procedure in an establishment;

(vi) to nominate its representatives on Joint Management Councils; and

(vii) to nominate its representatives on non-statutory bi-partite committees, e.g., production committees, welfare committees, canteen committees, house allotment committees, etc., set up by managements.

2. The rights referred to above would be without prejudice to the privileges being enjoyed by the recognised unions, at present either by agreement or by usage.

3. The question of grant of special casual leave to office bearers and release of employees to work as full time union functionaries was briefly discussed. It was, however, decided to defer these questions for full consideration at a future tripartite meeting. The organisations agreed to send full information regarding the existing practices on the subject of rights and privilege of recognised unions.

4. The question of rights and privileges of non-recognised unions was deferred for future consideration because of differences of opinion.

No action is required by State Government.

Decisions.

Action taken or proposed to be taken.

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(2)

Item 2 (iv).—Amendment of the Code of Discipline by imposing restrictions on hunger strike.

(i) The conference reiterated the view that hunger strikes should be avoided by all means. It was not, however, considered necessary to amend the Code for the purposes of banning hunger strikes. The workers' representatives also agreed to discourage hunger strikes as a means of settling disputes. It was urged that in extreme cases when the workers have exhausted all other means of redress, a strike would be preferable to a hunger strike.

(ii) The Central and State Governments should take all possible steps to ensure that workers and unions may not be compelled to resort to hunger strike out of sheer desperation.

(iii) The Chairman announced that the Central and State Governments were of the view that hunger strikes should be completely ignored.

A copy of these conclusions has been communicated to all Labour Officers with instructions to bring this to the notice of the workers' organisations in their area and also to take all possible steps to ensure that workers and unions are not compelled to resort to hunger strike out of sheer desperation.

Item 2 (v).—Clarification of clause 2 (iii) of the Model Principles for reference of disputes to adjudication.

While referring disputes to adjudication under clause 2 (iii) of the Model Principles, Government should not determine the date from which the award of the tribunal should be operative.

The suggestion has been accepted.

Item 2 (vi).—Additional measures for protection against victimisation and reference of case of victimisation to arbitration.

The subject was partly covered during the general discussion and it was agreed that it should be further considered at the next meeting of the Standing Labour Committee.

No action is required by State Government.

Item 3.—Amendment of Labour Legislation.

(i) Sections 79 and 80 of the Factories Act, 1948, to provide for the rate of payment for the period of leave according to the wages of normal post held and for grant of leave according to exigencies of work in a factory.

(ii). Section 2 (00) of the Industrial Disputes Act so as to change the definition of the term 'retrenchment'.

(iii). Section 25 FFF of the Industrial Disputes Act so as to provide for payment of full compensation in the case of closure of an undertaking on account of expiry of leave, licence or exhaustion of reserves.

(iv). Section 10 (b) of the Indian Trade Unions Act, 1926, so as to empower the Registrars to cancel the registration of a trade union, the executive of which has been found to have violated its registered rules.

(v). Section 33 of the Industrial Disputes Act, 1947, to empower Tribunals to adjudicate upon the application made by employers to dismiss a workman.

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It was decided that these items should be considered at the next session of the Standing Labour Committee.

Item 4.—Representation of the Public Sector on Indian Labour Conference and other Tripartite Committees.

(i) The principle of participation by the representatives of the public sector undertakings in tripartite conferences and committees was agreed to. These representatives would, however, form part of the Government delegation for the present.

(ii) The conclusions of conferences and committees would apply equally to the Public Sector including the employing Ministries.

Copy has been communicated to the Departments of Secretariat (except Public, Law and Finance) for issuing instructions on the decision of the Indian Labour Conference to the Heads of Departments in charge of industrial undertakings for information.

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Item 5.—Recording of conclusions of tripartite conferences and committees.

The existing practice of drawing up only the conclusions of tripartite meetings should continue. It was also agreed that the conclusions of such meetings should be drawn up by drafting committees, as at present.

Item 6.—Question of permitting observers to attend the Indian Labour Conference and other tripartite bodies.

It was agreed that requests for permission to attend as observers or visitors should be considered on merit, and permission given wherever possible, subject to availability of space and other facilities.

PART II—SUPPLEMENTARY.

Item 1 (i).—Appointment of a Tripartite Committee to report on Wage Trends during First and Second Plan periods.

It was decided that the report of the Mahalanobis Committee should be awaited before considering the question of appointment of the proposed tripartite committee.

Item 1 (ii).—Publication of New Series of Consumer price Index numbers for Industrial workers.

It was agreed that the subject would be placed before the next session of the Standing Labour Committee.

*Item 2.—Social Security—Review of the working of the Employees' State Insurance Scheme.**Item 3.—Workers Education—Question of allowing some time-off to the workers attending unit-level classes.**Item 4.—Definition of natural wastage or separation as contained in the recommendations on rationalisation adopted by the 15th Session of the Indian Labour Conference held in 1957.*

The subjects were postponed for consideration at the forthcoming session of the Standing Labour Committee.

Action taken or proposed to be taken.

(2)

The suggestion has been accepted.

The suggestion has been accepted and the Commissioner of Labour has been informed accordingly.

No action is required by State Government.

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Item 5.—Organisation of Consumers' Co-operatives in the Industrial Sector.

The proposals made in the memorandum on the subject were accepted ...

In G.O. Ms. No. 6054, Industries, Labour and Co-operation (Co-operation), dated 10th December 1962, this Government have sanctioned a scheme for the organisation of Consumers' Co-operative Stores for Industrial and Plantation Labour, i.e., establishments having 250 or more employees each.



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